

REMARKS

This amendment is responsive to the Office Action of January 11, 2008. In the Office Action, Claims 10-14, 17-20, and 31-51 were rejected under both 35 U.S.C. 112, second paragraph, as allegedly being indefinite, and 35 U.S.C. 112, first paragraph, as allegedly lacking enablement commensurate with the scope of the claims. Claims 10, 32, and 42 were further rejected as being anticipated by PCT/US00/10803, filed by Korhammer et al. and published under International Publication No. WO 00/63814 (hereinafter "Korhammer"). Although applicant respectfully does not agree with the basis for rejecting the claims or agree with the Examiner's characterization of what the reference discloses or the claims recite, applicant nonetheless desires to advance the prosecution of this application. Applicant has amended Claims 10, 32, and 42 to clarify the recitation of "conditional rules." Furthermore, as discussed below, Korhammer does not anticipate the amended claims, and thus the claims are in condition for allowance.

Patentability of the Claims

By this amendment, Claims 17, 37, and 47 have been canceled without prejudice. The subject matter of the foregoing canceled claims has been added to the respective independent Claims 10, 32, and 42 to address the Section 112 rejections. Applicant submits that the recitation of "conditional rules" is clear in view of the features recited in amended Claims 10, 32, and 42. Accordingly, withdrawal of the Section 112 rejections is merited. No new claims have been added. Thus, Claims 10-14, 18-20, 31-36, 38-46, and 48-51 are pending in the application.

Applicant has considered Korhammer with respect to the pending claims and respectfully submits that the claims are in patentable condition. Simply put, Korhammer fails to teach all of the elements recited in the pending claims. For example, a user's selection of a particular route, be it to NASDAQ SelecNet, an ECN, or the CCS order book "ColorBook" as shown at 704-706 in Figure 9, does not anticipate a selected set of conditional rules, "wherein the selected set of conditional rules defines a discovery strategy and an action strategy, the discovery strategy

specifying parameters for whether and how to obtain price quotations for at least one of a plurality of markets, and the action strategy specifying order processing parameters, wherein each set of conditional rules is implemented in an order-handling program that is executable by the computer," as defined in independent Claim 10 and in similar language in Claims 32 and 42. Moreover, user-selection of a route to market as taught by Korhammer does not constitute "execution of the order-handling program [which] includes automatically routing an order to at least one of a plurality of markets in accordance with the selected set of conditional rules." Similar arguments apply to independent Claims 32 and 42.

Accordingly, a *prima facie* case of anticipation under Section 102 has not been shown. Claims 10, 32, and 42 are in condition for allowance.

Claims 11-14, 18-20, and 31 each directly or indirectly depend from Claim 10, and are thus in condition for allowance for at least the same reasons presented above in support of Claim 10. Moreover, Claims 11-14, 18-20, and 31 are patentable for the additional subject matter they recite. Notably, in the Office Action, Claims 11-14, 18-20, and 31 were not rejected based on prior art.

Claims 33-36 and 38-41 each directly or indirectly depend from Claim 32, and are thus in condition for allowance for at least the same reasons presented above with respect to Claim 32. Applicant further submits that Claims 33-36 and 38-41 are patentable for the additional subject matter they recite which is not taught or suggested by Korhammer. In the Office Action, Claims 33-36 and 38-41 were not rejected based on prior art.

Lastly, applicant submits that Claims 43-46 and 48-51 are in patentable condition, both for their dependence on allowable Claim 42 and for the additional subject matter they recite. Furthermore, Claims 43-46 and 48-51 were not rejected based on prior art.

Information Disclosure Statements

For completion of the file, applicant requests that the Examiner initial and return a copy of the Information Disclosure Statements submitted September 14, 2001; October 13, 2006,

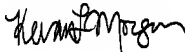
December 21, 2006; September 20, 2007; October 9, 2007; and January 4, 2008. An additional sixth supplemental Information Disclosure Statement is submitted herewith, together with the appropriate fee for consideration.

CONCLUSION

In view of the above, applicant respectfully submits that the claims in this application are in condition for allowance. Reconsideration and allowance of the application at an early date is requested. The Examiner is invited to contact the undersigned counsel at the telephone number indicated below should any issues remain.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Kevan L. Morgan
Registration No. 42,015
Direct Dial No. 206.695.1712

KLM:jmb